

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff

v.

Kenneth Earl Smith, Jr.,

Defendant

2:21-cr-00279-CDS-EJY

JUDGE CRISTINA D. SILVA'S
ORDER REGARDING TRIAL

1. This case is scheduled for trial before the Honorable Cristina D. Silva, United States District Judge, at Las Vegas, Nevada, commencing on **JULY 24, 2023**, at 9:30 a.m. in Courtroom 6B.

2. Counsel for all parties shall appear in Courtroom 6B on **JULY 17, 2023**, at 9:30 a.m. for Calendar Call. Unless a defendant in a criminal case is appearing pro se, the defendants in criminal cases will not be required to appear for Calendar Call unless the court directs otherwise.

3. Counsel or their clients will be excused from Calendar Call if, prior to the scheduled calendar call, a defendant's plea of guilty or *nolo contendere* has been accepted in a criminal case.

4. At the Calendar Call, all cases that remain to be tried will be ranked in order of trial. Thereafter, the court will not grant a continuance to any party absent a showing of good cause. Unless the court otherwise directs, the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS' NOTICE** from the Courtroom Administrator.

1 5. CHANGE OF PLEA HEARINGS. Changes of Plea will be taken at Calendar
2 Call unless alternate arrangements are made with the Courtroom Administrator prior to the
3 week of Calendar Call. It shall be the responsibility of counsel for the United States and for
4 defendant(s) to ensure that the original or a copy of the plea agreement is provided to the
5 Courtroom Administrator no later than the preceding Thursday. If a copy is provided, the
6 original must be presented to the Courtroom Administrator prior to the commencement of
7 the Calendar Call.

8 6. STATUS HEARINGS. The Court may conduct a status conference prior to the
9 scheduled Calendar Call. If the Court is satisfied during the status conference that the case is
10 ready for trial, the court may vacate the Calendar Call.

11 7. WITNESSES. Counsel shall immediately subpoena all witnesses for the time
12 and trial date as listed above. Inasmuch as the cases will be tried in a trailing fashion, the
13 subpoenas should contain a special instruction from counsel directing witnesses to contact
14 the office of counsel for further instructions prior to appearing for trial. Witnesses are not
15 required to be present at the Calendar Call but must appear as subpoenaed.

16 8. EXHIBITS. **At least three (3) business days prior to trial** counsel shall
17 supply the Courtroom Administrator with the original and one copy of a complete exhibit
18 list of all exhibits that are intended to be used during the trial. At the same time, counsel shall
19 serve upon opposing counsel a copy of the same. Plaintiffs shall use numerals 1 through 499
20 and defendants shall use numerals 500 through 999. Joint exhibits shall use 1A through 499A.
21 If the total exhibits per side exceed 15, the exhibits are to be placed in 3-ring binders with
22 numbered dividers. The exhibits are to be listed on the form provided by the Clerk's Office or
23 obtained from the court's website www.nvd.uscourts.gov. The form may be computer-generated
24 but must conform to the requirements of the court's form. Counsel shall retain possession of
25 their exhibits until such time as they are identified in open court; thereafter, the exhibits
26 shall remain in the custody of the Courtroom Administrator unless otherwise ordered.

1 9. MARKING EXHIBITS. During preparations for trial, counsel for all parties
2 shall meet, confer, pre-mark and exchange all trial exhibits. At least **three business days** in
3 advance of trial, counsel in civil cases shall notify the Courtroom Administrator that the
4 exhibits have been pre-marked.

5 10. EVIDENCE DISPLAY EQUIPMENT. Counsel wishing to utilize the court's
6 evidence display equipment must contact the Courtroom Administrator to determine its
7 availability and arrange for training. Counsel wishing to utilize their laptops, video
8 recordings, *et cetera*, must contact the Courtroom Administrator to arrange a time and date
9 prior to trial to test these to ensure they are compatible with the court's systems/equipment.

10 11. TRIAL BRIEFS. Trial briefs, if any, shall be electronically filed **at least four**
11 **business days prior to the commencement of trial**.

12 12. PROPOSED VOIR DIRE QUESTIONS. All proposed voir dire questions
13 which counsel request the court to pose to prospective jurors at the time of jury selection
14 shall be filed electronically **at least four business days prior to the commencement of trial**.

15 13. JURY INSTRUCTIONS. Counsel are to comply with the Order Regarding
16 Pretrial Procedure in a Criminal Case. At least five days prior to commencement of a criminal
17 trial, counsel, or parties appearing pro se, are required to meet and confer to submit a set of
18 agreed-upon jury instructions to the court. **At least four business days prior to the**
19 **commencement of a trial**, counsel are to electronically file the original set of mutually
20 acceptable jury instructions and a set of disputed instructions (each instruction must contain
21 short citation of authority for the proposed instruction). **The same must be submitted**
22 **contemporaneously, in Word format, to CDS_chambers@nvd.uscourts.gov**.

23 14. TRIAL JUDGE. Although this case is assigned to Judge Silva, the cases on the
24 stack may proceed to trial before another Nevada District Judge or a visiting District Judge.

25 15. SANCTIONS. As provided for under the Local Rules of Practice of this court,
26 the court will consider the imposition of sanctions against any attorney who: (1) fails to file

1 trial briefs, suggested voir dire questions and proposed jury instructions or proposed findings
2 of fact and conclusions of law, whichever is applicable, as prescribed by the Pretrial Order,
3 Order Regarding Pretrial Procedure, Scheduling Order or any order extending the time for
4 such filings; (2) fails to comply with the provision of this order including, but not limited to,
5 the failure to appear for calendar call without first having been excused by the court or the
6 Courtroom Administrator with the permission of the court; or (3) fails to timely comply with
7 any other order that schedules deadlines for trial preparation.

8 16. CONTACT PERSON. All questions and information regarding the trial
9 calendar are to be directed to Denise Saavedra, Courtroom Administrator, at 702-464-5467 or
10 Denise_Saavedra@nvd.uscourts.gov.

11 17. DAILY TRANSCRIPTS, REALTIME, OR ROUGH DRAFTS. Any party that
12 requests expedited or daily transcripts must notify Court Reporter, Samantha McNett, at
13 Samantha_McNett@nvd.uscourts.gov immediately upon receipt of this order. Failure to
14 timely notify the Court Reporter may result in the refusal to provide these services.

15 18. The date of the Clerk's File mark shall constitute the date of this order.

16 IT IS SO ORDERED.

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20 UNITED STATES DISTRICT JUDGE
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